

### REMARKS

Applicants have studied the Office Action dated April 14, 2006. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested. Claims 4, 14, and 21 have been cancelled. Claims 1-3, 11-13, 15-20, and 22 remain pending in the application. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested. Applicants submit that this response does not raise new issues in the application. It is submitted that the present response places the application in condition for allowance or, at least, presents the application in better form for appeal. Entry of the present response is therefore respectfully requested.

In the Office Action, the Examiner:

- Rejected claims 1-4 and 10-22 under 35 U.S.C. § 103(a) as being unpatentable over James (U.S. Patent 6,934,717) in view of Rajasekaran et al. (U.S. 2002/0174355 A1).

### Telephonic Interview

As an initial matter, the Applicants would like to thank Examiner Abrishamkar for the telephonic interview held on Friday May 5, 2006. The Applicants representative, Jon Gibbons, along with inventors, Ting Zhao and Richard Spagna, participated in the interview with Examiner Abrishamkar. The Applicants have submitted a draft of independent claim 1 to discuss the technical differences with the cited prior art of James (U.S. Patent 6,934,717) in view of Rajasekaran et al. (U.S. 2002/0174355). Specifically, the Applicants discussed the intent of the present invention is to track updates to content in a library of electronic digital content. Providers of music and other electronic digital content often provide licenses for a limited time. Often users of music circumvent protection mechanisms by re-downloading a desired selection of music. The present invention on the other hand uses an update reference table to track

updates to the library of music. The present invention detects tampering or re-downloading when the user attempts to defeat license. Further, the present invention provides a performance increase when working with larger libraries of digital content. In the prior art the entire index to library must be decrypted where in the present invention only an index of the updates to the library must be decrypted. See background of the invention pages 9 and 10. In order to clarify that the present invention is directed to tracking updates to content, independent claim 1 has been amended to combined with dependent claim 4. Claim 1 as amended recites *inter alia* two tables a reference table and an update reference table for tracking updates as follows:

determining if there are any updates in the section of the file to any data items that form a library index of storage locations to electronic digital content and if there are updates then performing the steps of:

decrypting, with the first decrypting key, a reference table containing one or more location indicators for storing the data items in a data table;

getting an offset to an update reference table;

decrypting the update reference table containing one or more location indicators for updates to the data items with the first decrypting key;

populating the data table with the data items at locations specified by the location indicators in the reference table; and

populating the data table with the updates to the data items at locations specified in the update reference table with the updates to the data items.

The prior art of record is silent on this tracking only updates to content rather than tracking the entire content itself. No further agreement was reached on the telephonic interview.

Rejection under 35 U.S.C. §103(a)

As noted above, the Examiner rejected claims 1-4 and 10-22 under 35 U.S.C. § 103(a) as being unpatentable over James (U.S. Patent 6,934,717) in view of Rajasekaran et al. (U.S. 2002/0174355). On page 5, the Examiner cites James combined with Rajasekaran for allegedly teaching the claim element of amended independent claims 1 (combined with dependent claim 4), 10 (combined with dependent claim 14) and 15 (combined with dependent claim 21):

decrypting, with the first decrypting key, a reference table containing one or more location indicators for storing the data items in a data table; (column 6, lines 13-58)

getting an offset to an update reference table; (column 8, lines 19-28, column 10 lines 16-29, column 11, lines 51-54, column 12, lines 1-6)

decrypting the update reference table containing one or more location indicators for updates to the data items with the first decrypting key; (Rajasekaran at paragraphs 8, and 107-109)

populating the data table with the data items at locations specified by the location indicators in the reference table; and (column 6, lines 47-57, column 10, lines 70- 29)

populating the data table with the updates to the data items at locations specified in the update reference table with the updates to the data items. (column 6, lines 47-57, column 10, lines 70- 29)

However, James taken alone and/or in view of Rajasekaran is silent on the use of both a reference table and an update table wherein the update table includes "populating the data table with the updates to the data items at locations specified in the update reference table with the updates to the data items." Accordingly, the present invention distinguishes over James taken alone and/or in view of Rajasekaran for at least this reason. Claims 2-3, 5-13, 15-20, and 22 depend from independent claims 1, 11, and 15 respectively, since dependent claims contain all the limitations of the independent

claims, claims 1-3, 5-13, 15-20, and 22 distinguish over James taken alone and/or in view of Rajasekaran as well and the Examiner's rejection should be respectfully withdrawn.

### **CONCLUSION**

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR § 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No Previously Presented matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would help advance prosecution of the application.

Respectfully submitted,

Date: May 31, 2006

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